IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 12349 of 2005(T)

PETITIONER:

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1. GANGADHARAN, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

2. SEBASTIAN KARDOS, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

3. K.AKBARKUTTY, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

4. K.ANIL KUMAR, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

5. DINESAN P.R., CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

6. N.SUBASH, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

7. K.RAJENDRAN, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

8. BABY THOMAS, CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

9. K.RAJU CAULKER,
   STATE WATER TRANSPORT DEPARTMENT,
   DOCK AND REPAIR SECTION, ALAPPUZHA.

10. MOHAMMED KABEER, CAULKER,
    STATE WATER TRANSPORT DEPARTMENT,
    DOCK AND REPAIR SECTION, ALAPPUZHA.

11. SIBI JOSEPH, CAULKER,
STATE WATER TRANSPORT DEPARTMENT,
DOCK AND REPAIR SECTION, ALAPPUZHA.

12. K.K.PURUSHOTHAMAN, CAULKER,
STATE WATER TRANSPORT DEPARTMENT,
REGIONAL OFFICE, ERNAKULAM.

13. E.M.JOHNY, CAULKER CHARGEMAN,
STATE WATER TRANSPORT DEPARTMENT,
DOCK AND REPAIR SECTION, ALAPPUZHA.

14. S.DARMAJAN, CAULKER CHARGEMAN,
STATE WATER TRANSPORT DEPARTMENT,
DOCK AND REPAIR SECTION, ALAPPUZHA.

BY ADV. SRI.S.SANAL KUMAR
SRI.M.R.ARUN KUMAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR, STATE WATER TRANSPORT
DEPARTMENT, ALAPPUZHA.

BY ADV. SHRI. R.BINDU, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 12349/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE JUDGMENT IN O.P.No. NO.9559 OF 1991 DATED 09/12/1998.

EXT.P2 COPY OF THE ORDER OF THE GOVERNMENT NO.G.O.(RT.) NO. 444/1999/TRAN.

EXT.P3 COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN O.P.No. 6857/2001.

EXT.P4 COPY OF PAY REVISION DONE IN RESPECT OF ONE OF THE PETITIONERS T.D.SATHYAPALAN.

EXT.P5 COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT.

EXT.P6 COPY OF the REVISION OF PAY SCALE DONE TO AN NMR CAULKER, P.A.JOSEPH CONSEQUENT ON THE DECISION OF THIS HONOURABLE COURT IN W.P. (C)No. 28708/2004.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 12349 of 2005 T

Dated, this the 1st day of March, 2007

J U D G M E N T

This writ petition is filed for a direction to the respondents to grant same scales of pay as given to NMR workers who were absorbed in the State Water Transport Department as Kaulkers. The case of the petitioners is that they were recruited as Kaulkers through PSC and when they joined in service there are already Kaulkrs who were originally NMR workers later absorbed in the service. The pay scale of NMR workers at the time of regularization in service was 825-875-1125, which was increased to 950-25-1100-30-1590. According to the petitioners, the revised pay scale is granted to NMR workers regularized as Kaulkers based on direction issued by this Court. Even though petitioners are doing the same work, petitioners are not given the same pay scale granted to NMR workers regularized as Kaulkers. In other words, the short point canvassed by the petitioners is that equal pay should be paid for equal work. Even though counter affidavit is filed stating that pay revisions are done periodically based on recommendation of the pay revision commission accepted by the Government, the petitioners' allegation of discrimination is not dealt with. The learned

Government Pleader submitted that originally the pay scale was introduced on 01/07/1988 and all petitioners joined service after the said date, even though in the same pay scale. However, the petitioners' case is that discrimination happened only after pay revision was given to the regularized NMR workers without considering petitioners' case. Persons in the same cadre should be paid the same pay scale and difference should be only based on seniority in service. It is immaterial whether Kaulkers are appointed through regularization of NMR workers or through selection by the PSC. Pay scale in the same cadre should be the same. This writ petition is accordingly disposed of with a direction to the respondents to consider the discrepancy pointed out by the petitioners and if there is any anomaly, correct the same by revising the pay scale without any delay and in any case within three months from the date of receipt of a copy of this judgment. If no revision is called for detailed reasons should be communicated to the petitioners.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

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